

Filed for intro on 02/02/95
House Bill _____
By _____

Senate No. SB0957
By Haynes

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18, relative to consumer protection.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

Section 47-18-____. This part shall be known and may be cited as the "Tennessee Condominium Residents' Bill of Rights.

Section 47-18-____(a) Notwithstanding contractual obligations existing prior to the effective date of this act, a condominium management committee shall:

(1) Ensure that meetings of such management committee are open to all residents of the condominium complex, as well as all owners of such condominiums and members of such condominium association. Notice of shall meetings shall be given no less than ten (10) days prior to such meetings.

(2) Conduct independent audit of maintenance fee expenditures at six (6) month intervals and make such audit available to residents. Such audit shall be

conducted by a certified public accountant duly licensed by the state of Tennessee.

(3) Notify residents of any proposed improvements, repairs or other expenditures which could result in an assessment of owners or increase of ten percent (10%) or greater in maintenance fees.

(4) Require at least fifty percent (50%) of board members to be resident owners.

(b)(1) If an individual, corporation, partnership or association is found to be in violation of this part in a civil action, a court shall assess a civil penalty against the offending party in the amount of one thousand dollars (\$1,000) for each violation of this part.

(2) Any civil penalty collected pursuant to this part shall be paid into the general fund of the state. The prevailing party in the cause shall be entitled to necessary expenses and reasonable attorney's fees.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.